

REMARKS

In the Office Action mailed October 13, 2007 the Examiner objected to claims 14 and 23 for containing typographical errors, rejected claim 23 under 35 U.S.C. 112, 2nd paragraph for being indefinite; rejected claims 24-26 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,381,481 to Gammie; rejected claims 1-4, 6-9 and 14-17 under 35 U.S.C. 103(a) as being unpatentable over Gammie in view of U.S. Patent No. 5,400,401 to Wasilewski and rejected claim 23 under 35 U.S.C. 103(a) as being unpatentable over Wasilewski in view of Gammie.

In response, Applicant has amended claims 1, 7, 14 and 23. No new matter has been added.

Applicant has amended claims 7, 14 and 23 to correct some minor typographical errors correct an improper antecedent basis issues.

In rejecting claims 24-26, the Examiner has misread independent claim 24. Claim 24 generally relates to setting an encryption level based on the number of services provided. As an example, if a first user orders a background service such an interactive program guide, two video services, three audio services and a subtitle service (as shown in Table 1 on page 5 of the present specification) a first, lower level of encryption is selected. If a second user orders the background service, a video service, one audio service and one data service, as is shown in Table 2 on page 5, a second, higher level of encryption is used. Thus, the number of services is related to the level of encryption used.

This is in stark contrast to what is taught in Gammie in column 5, lines 40-59 and column 12, lines 56-61. In these citations, Gammie does teach encrypting each service at

a different level. For example, a video service may be encrypted at a higher level than an audio service. However, each audio service gets the same level of encryption. Thus, a user who only orders 2 audio services gets the same level of encryption as a user who only orders 100 audio services. The level of encryption does not change with the number of services ordered as is presently claimed. All audio services are encrypted at the same level. Since Gammie only adjusts encryption level from service-type to service-type (e.g., video service encryption level is different from audio service encryption level), and not on the number of services ordered, Gammie cannot anticipate claim 24.

Amended claims 1 and 14 are distinguishable from the combination of Gammie and Wasilewski. In rejecting claims 1 and 14, the Examiner apparently asserts that a first data stream comprised only of video data, for example, would have a different encryption level than a second data stream comprised of only audio data. Claims 1 and 14 have been amended to include both data streams having different types of services. Thus, if Gammie were to combine an audio service and a video service into one stream, that stream would support two, separate levels of encryption; one for the video service and one for the audio service, and not a single level of encryption for both services in the single stream.

With respect to claim 23, Applicant has amended claim 23 so that a first set of services is encrypted based on one service type and a second set of services is encrypted based on a second service type. In addition, the first and second sets of services contain at least two service types. Gammie and Wasilewski do not teach or suggest these features. In particular, the combination of Gammie and Wasilewski, if multiple services

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were to be combined into one set, would have multiple encryption levels; one for each type of service in the set.

Claims not specifically mentioned above are allowable due to their dependence on an allowable base claim.

CONCLUSION

No fees beyond the fees for the Petition for a 3 Month Extension of time are due for this Amendment. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant requests entry of this amendment, reconsideration of the pending claims and the issuance of a Notice of Allowance. Should the Examiner have any questions, he is invited to contact Applicant's representative below.

Respectfully submitted,

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